

STATEMENT OF PURPOSE

RS19239

This is one of a series of bills that the Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under article V, section 25 of the Idaho Constitution. Idaho Code § 16-1625, dealing with appeals in cases under the Child Protection Act, Idaho Code § 16-1512, dealing with appeals in adoption cases, and Idaho Code § 16-2014, dealing with appeals in parental termination cases, all provide for an appeal from the magistrate division to the district court. The Idaho Supreme Court has amended the Idaho Appellate Rules and the Idaho Rules of Civil Procedure to require appeals from the magistrate division in termination and adoption cases to be taken directly to the Supreme Court. Further, a party appealing the decision of a magistrate judge in any Child Protective Act case or other case involving the custody of a minor may seek an appeal by permission directly to the Supreme Court. The rules were amended to expedite the appellate process to avoid lingering uncertainty in cases involving the custody of children. The provisions in the statutes have led some parties to file appeals in these cases to the district court, rather than file the appeal directly to the Supreme Court as required by the rules. Amending the statutes to conform to the rules will clarify the process and expedite appeals in these critical cases.

FISCAL NOTE

This bill would have no impact on the general fund.

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